

Message Text

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ACTION DLOS-09

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C O N F I D E N T I A L COLOMBO 0447

MOSCOW FOR AMBASSADOR RICHARDSON

E.O. 11652: GDS
TAGS: PLOS, CE

SUBJ: LAW OF THE SEA: SRI LANKA LEGAL ADVISER'S VIEWS

REF: (A) STATE 6018; (B) 77 COLOMBO 1533; (C) COLOMBO 0442

1. IN JANUARY 26 DISCUSSION EMBASSY POLITICAL OFFICER HAD WITH MINISTRY OF FOREIGN AFFAIRS LEGAL ADVISER, P.H. KURUKULASOORIYA, ON LOS MATTERS, KURUKULASOORIYA INDICATED A POSSIBLE SHIFT TO A MORE ACTIVE GSL ROLE IN NEXT LOS CONFERENCE. J.R. JAYEWARDENE GOVERNMENT VIEWS CONCLUSION OF AN LOS TREATY AS IMPORTANT AND SRI LANKA'S DELEGATION TO LOS CONFERENCE EXPECTS TO BE IN FOREFRONT ACTIVELY WORKING FOR COMPROMISES THAT WILL LEAD TO A TREATY.

2. KURUKULASOORIYA SUGGESTED THAT A MAJOR COMPROMISE WOULD BE ON ARTICLE 153 OF THE INFORMAL COMPOSITE NEGOTIATING NEXT
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(ICNT), SAYING THAT A DEFINITE TIME MUST BE SPELLED OUT FOR A TAKEOVER BY THE INTERNATIONAL AUTHORITY. THE TAKEOVER WOULD NOT NECESSARILY MEAN THE END OF THE PARALLEL SYSTEM OF EXPLOITATION OF THE SEA BEDS BECAUSE NO ONE CAN FORESEE WHAT THE SITUATION WILL BE SEVERAL DECADES FROM NOW. HE SAID THAT THE PERIOD OF TIME OF AN INTERIM AGREEMENT IS UNIMPORTANT. IT COULD BE 30, 35, 40 YEARS OR A PERIOD OF TIME SUFFICIENT

TO ENSURE THAT PRIVATE COMPANIES WOULD HAVE REALIZED A PROFIT ON THEIR INVESTMENTS. WHAT IS IMPORTANT IS THAT THERE BE SOME AGREEMENT ON THE CONCEPT OF THERE BEING A DEFINITE TIME WHEN THE PRINCIPLE OF THE "HERITAGE OF MANKIND" WILL COME INTO PLAY. IF COMPROMISE ON THAT COULD BE REACHED OR EVEN HINTED AT EARLY IN THE LOS CONFERENCE, COMPROMISES ON THE OTHER ISSUES WILL BE MUCH EASIER. HE STRESSED, AS HE DID LAST YEAR, (REF B), THE IMPORTANCE OF THE CONFERENCE STARTING WITH A SPIRIT OF COMPROMISE. IF NOT, THEN ACRIMONY AND HARDENED POSITIONS WILL DEVELOP QUICKLY PERHAPS MAKING LATER COMPROMISE DIFFICULT OR IMPOSSIBLE.

3. KURUKULASOORIYA HAD NOT READ AMBASSADOR RICHARDSON'S CIN-CINNATI SPEECH GIVEN TO HIM BY POLITICAL OFFICER BUT SAID THAT HE WOULD STUDY IT CAREFULLY TO SEE IF IT CONTAINED IN INDICATION OF A SPIRIT OF COMPROMISE WITHIN WHICH THE SRI LANKA DELEGATION COULD WORK. HE PROMISED TO GIVE HIS REACTION WITHIN A FEW DAYS.

4. KURUKULASOORIYA WILL BE A MEMBER OF SRI LANKA'S LOS DELEGATION HEADED BY B.J. FERNANDO, SRI LANKA'S NEW PERM REP TO THE UN. OTHER MEMBERS OF THE DELEGATION WILL BE AMBASSADOR SUSANTHA DE ALWIS AND FIRST SECRETARY K.K. BRECKENRIDGE FROM GENEVA. KURUKULASOORIYA SAID THE GSL WOULD LIKE CHRIS PINTO TO BE A MEMBER OF THE DELEGATION, BUT THAT WOULD DEPEND ON PINTO'S PERSONAL PLANS AFTER HE LEAVES BONN.

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WRIGGINS

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